

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

**ALLIANCE FOR HIPPOCRATIC MEDICINE**, on  
behalf of itself, its member organizations, their  
members, and these members' patients; **AMERICAN  
ASSOCIATION OF PRO-LIFE**, on behalf of itself, its  
members, and their patients; **AMERICAN COLLEGE  
OF PEDIATRICIANS**, on behalf of itself, its  
members, and their patients; **CHRISTIAN MEDICAL  
& DENTAL ASSOCIATIONS**, on behalf of itself, its  
members, and their patients; **SHAUN JESTER, D.O.**,  
on behalf of himself and his patients; **REGINA  
FROST-CLARK, M.D.**, on behalf of herself and her  
patients; **TYLER JOHNSON, D.O.**, on behalf of  
himself and his patients; and **GEORGE DELGADO,  
M.D.**, on behalf of himself and his patients,

Plaintiffs,

v.

CASE NO. 2:22-cv-00223-z

**U.S. FOOD AND DRUG ADMINISTRATION;**  
**ROBERT M. CALIFF, M.D.**, in his official capacity  
as Commissioner of Food and Drugs, U.S. Food and  
Drug Administration; **JANET WOODCOCK, M.D.**, in  
her official capacity as Principal Deputy Commissioner,  
U.S. Food and Drug Administration; **PATRIZIA  
CAVAZZONI, M.D.**, in her official capacity as  
Director, Center for Drug Evaluation and Research, U.S.  
Food and Drug Administration; **U.S. DEPARTMENT  
OF HEALTH AND HUMAN SERVICES**; and  
**XAVIER BECERRA**, in his official capacity as  
Secretary, U.S. Department of Health and Human  
Services,

Defendants,

and

**DANCO LABORATORIES, LLC**,

Intervenor Defendant.

**MOTION TO WAIVE LOCAL RULE 83.10(A)'S LOCAL COUNSEL REQUIREMENT**  
TO THE HONORABLE COURT:

1. Pursuant to Fed. R. Civ. P. 7 and Local Rule 7.1, movant and prospective *amicus curiae* Doctors for America (DFA) respectfully moves to waive the Local Rule 83.10(a) requirement to obtain local counsel residing in or having his principal office located within 50 miles of the courthouse.

2. DFA is a 501(c)(3) non-profit, national organization of over 27,000 physicians and medical students representing all areas of specializations. DFA seeks to improve the health of patients, communities, and the nation by mobilizing doctors and medical students to put patients over politics. In furtherance of its mission, DFA files *amicus* briefs to assist courts in understanding how prospective cases and judgments may affect patients and physicians within the United States. In the present case, DFA seeks this Court's leave to file an *amicus* brief in support of Defendants' Opposition to Plaintiff's Motion For A Preliminary Injunction. ECF No. 28.

3. Good cause exists to grant DFA's request for waiver from Local Rule 83.10(a). DFA will file only a motion for leave to file an *amicus* brief, which this Court will almost certainly decide on the papers, without a hearing. Further, this Court has already waived the local counsel requirement for another *amicus* in this case, The Chattanooga National Memorial for the Unborn. ECF No. 30. As counsel's pro hac vice paperwork shows, DFA has already secured the help of experienced local counsel, Thomas S. Leatherbury, who maintains an office in Dallas. Should the Court request it, DFA will attend hearings and obtain local counsel within 50 miles of the courthouse.

4. For all the foregoing reasons, Doctors for America respectfully requests that the Court enter an order waiving Local Rule 83.10(a)'s local counsel requirement for purposes of a motion for leave to file an *amicus curiae* brief. A proposed order is attached.

Dated: February 9, 2023

Respectfully submitted,

/s/ Christopher J. Morten

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/s/ Thomas S. Leatherbury

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*Counsel of Record*  
*Counsel for Doctors for America*

**CERTIFICATE OF CONFERENCE**

Plaintiffs and Defendants stipulated in their Joint Motion to Extend Deadlines not to oppose the filing of *amicus* briefs and that any *amici* need not seek the specific consent of either Plaintiffs or Defendants before seeking leave of the Court. ECF No. 12 ¶3.

Dated: February 9, 2023

Respectfully submitted,

/s/ Christopher J. Morten  
Christopher J. Morten

**CERTIFICATE OF SERVICE**

I hereby certify that on February 9, 2023, the foregoing was electronically submitted to the Clerk of Court for the U.S. District Court for the Northern District of Texas using the Court's electronic case filing system in accordance with Local Rule 5.1(e). All counsel of record will be served via the Court's CM/ECF system and via email.

Dated: February 9, 2023

Respectfully submitted,

/s/ Christopher J. Morten  
Christopher J. Morten